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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,286	10/10/2000	Anoop Tripathi	00-468	4563

			EXAMINER
20306	7590	04/04/2005	RYMAN, DANIEL J

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ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="4">Office Action Summary</td><td colspan="2">Application No.</td><td colspan="2">Applicant(s)</td></tr>
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<tr><td>Examiner</td><td></td><td>Art Unit</td><td></td></tr>
<tr><td>Daniel J. Ryman</td><td></td><td>2665</td><td></td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 January 2005_.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-15,18-27,38-40 and 43_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-15,18-27,38-40 and 43_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _10 October 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _1/4/2005_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 1/4/2005 have been fully considered but they are not persuasive. On pages 19-24, Applicant argues that the cited combination does not teach "modifying a first signaling message to obtain a second signaling message by adding at least a path attribute that includes at least one network address corresponding to a backup proxy server." Examiner, respectfully, disagrees.

2.   Kumar discloses having standby server modules for server modules performing critical functions, having client nodes detect a failure of an active server module, and having client nodes adjust their addressing to a standby module to resume normal operation (col. 2, lines 20-34; col. 4, lines 44-60; and col. 5, lines 12-67) in order to have a simplified changeover scheme (col. 3, lines 35-55). While Kumar discloses in one embodiment that the address of the backup server can be broadcast to all applicable clients in order to inform the applicable clients of the backup once the primary has failed (col. 5, lines 55-67), Kumar does not disclose modifying the first signaling message to obtain the second signaling message by inserting the path attribute. Kadansky teaches inserting a path attribute in a signaling message, wherein the path attribute includes at least one network address corresponding to a backup in order to ensure quick and smooth re-affiliations (col. 27, lines 13-34). Thus, the combination of Kumar and Kadansky suggests modifying a first signaling message to obtain a second signaling message by inserting the path attribute, namely the address of the back-up server, in order to inform any applicable nodes of a possible back-up in case the primary server fails where this ensures quick and smooth re-affiliations.

3.   Given the above arguments, Examiner maintains the rejection of the claims.

Information Disclosure Statement

4.   The information disclosure statement filed 1/4/2005 fails to comply with 37 CFR

1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent

literature publication or that portion which caused it to be listed; and all other information or that

portion which caused it to be listed. It has been placed in the application file, but the information

referred to therein has not been considered.

Specification

5.   Examiner requests that the application information seen on page 5, line 10-page 7, line 12

of the specification be updated in order to reflect the changes in the status of any of the

applications.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1-4, 8-15, 18-21, 25-27, 38-40, and 43 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Applicant's admitted prior art in view of Kumar (USPN 6,473,396) in

further view of Kadansky et al (USPN 6,507,562).

8.   Regarding claims 1 and 18, Applicant admits as prior art a system and method for

providing fault tolerance in a network telephony system at a primary proxy server, the system

comprising means for and the method comprising steps of: receiving a first signaling message

from a first network entity (first user agent) via a network (Figs. 1-3; page 2, lines 5-29; page 4,

line 1-page 5, line 5; and page 7, line 14-page 11, line 29); determining a second network entity

(second user agent) to which a second signaling message is to be transmitted (Figs. 1-3; page 2,

lines 5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page 11, line 29); and transmitting

the second signaling message to the second network entity via the network (Figs. 1-3; page 2,

lines 5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page 11, line 29).

Applicant does not disclose as prior art modifying the first signaling message to obtain

the second signaling message by inserting at least a path attribute, wherein the path attribute

includes at least one network address corresponding to a backup proxy server. Kumar teaches, in

a system for implementing module redundancy, having standby server modules for server

modules performing critical functions, having client nodes detect a failure of an active server

module, and having client nodes adjust their addressing to a standby module to resume normal

operation (col. 2, lines 20-34) in order to have a simplified changeover scheme (col. 3, lines 35-

55). Specifically, Kumar discloses that, when clients detect a failure of an active module

indicated by the client not receiving an "echo" from an active module, the client adjusts its

address table to replace the address of the failed active module with the predetermined address of

a standby module (col. 5, lines 12-54). Kumar does not expressly disclose how this

predetermined address is obtained; however, Kumar does disclose that the active module

determines which standby module will take over for it if a failure occurs (col. 4, lines 44-60).

Kumar also discloses that a server module can transmit the address to the clients (col. 5, lines 55-

67). Thus, it would have been obvious to one of ordinary skill in the art at the time of the

invention to transmit a path attribute (predetermined address) to the client modules by the active

serving module, wherein the path attribute includes at least one network address corresponding

to a backup server (col. 5, lines 12-67) in order to have a simplified changeover scheme since the

active serving module knows the standby server to which communications will be directed upon

a failure (col. 4, lines 55-67) and since Kumar discloses that the server modules can transmit the

address to the clients (col. 5, lines 12-67).

Applicant's admitted prior art in view of Kumar does not expressly disclose modifying

the first signaling message to obtain the second signaling message by inserting the path attribute.

Kadansky teaches, in a system for providing backup of a node, inserting a path attribute in a

signaling message, wherein the path attribute includes at least one network address

corresponding to a backup in order to ensure quick and smooth re-affiliations (col. 27, lines 13-

34). Thus, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the first signaling message to obtain the second signaling message by

inserting the path attribute in order to ensure quick and smooth re-affiliations.

9.   Regarding claims 2 and 19, Applicant's admitted prior art in view of Kumar in further

view of Kadansky discloses that the network telephony system is an Internet Protocol (IP)

telephony system (Applicant: Figs. 1-3; page 2, lines 5-29; page 4, line 1-page 5, line 5; and page

7, line 14-page 11, line 29).

10.   Regarding claims 3 and 20, Applicant's admitted prior art in view of Kumar in further

view of Kadansky discloses that the network telephony system is an (Internet Protocol) IP

telephony system in which calls are signaled according to the Session Initiation Protocol (SIP)

signaling protocol, and wherein the first and second signaling messages are SIP messages

(Applicant: Figs. 1-3; page 2, lines 5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page 11, line 29).

11.   Regarding claims 4 and 21, Applicant's admitted prior art in view of Kumar in further view of Kadansky discloses that the path attribute includes an AlternatePath tag (Kumar: col. 5, lines 12-67 and Kadansky: col. 27, lines 13-34).

12.   Regarding claims 8 and 25, Applicant's admitted prior art in view of Kumar in further view of Kadansky discloses that the second network entity is determined by accessing a location service (Applicant: Figs. 1-3; page 2, lines 5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page 11, line 29).

13.   Regarding claims 9 and 26, Applicant's admitted prior art in view of Kumar in further view of Kadansky discloses that the second network entity is determined by examining the first signaling message (Applicant: Figs. 1-3; page 2, lines 5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page 11, line 29).

14.   Regarding claim 10, Applicant's admitted prior art in view of Kumar in further view of Kadansky discloses that the receiver, the transmitter, the address resolver, and the assembler compose a SIP proxy server (Applicant: Figs. 1-3; page 2, lines 5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page 11, line 29).

15.   Regarding claim 11, Applicant's admitted prior art in view of Kumar in further view of Kadansky discloses that the receiver, the transmitter, the address resolver, and the assembler compose an MGCP media gateway controller (Applicant: page 2, lines 5-17).

16.   Regarding claim 12, Applicant's admitted prior art in view of Kumar in further view of
Kadansky discloses that the receiver, the transmitter, the address resolver, and the assembler
compose an MEGACO decomposed media gateway (Applicant: page 2, lines 5-17).

17.   Regarding claims 13 and 38, Applicant admits as prior art a backup proxy server and
method for use with a network telephony system, wherein the backup proxy server is associated
with a primary proxy server (Figs. 1-3; page 2, lines 5-29; page 4, line 1-page 5, line 5; and page
7, line 14-page 11, line 29), the server comprising means for and the method comprising the
steps of: receiving a first signaling message from a first network entity via a network (Figs. 1-3;
page 2, lines 5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page 11, line 29) where the
backup proxy will receive a message from a first network entity when the primary proxy has
failed, wherein the first signaling message includes at least one path attribute including a
network address corresponding to the backup proxy server such that the backup proxy server
receives the first signaling message instead of the primary proxy server (Figs. 1-3; page 2, lines
5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page 11, line 29), where, as broadly
defined, the first signaling message contains a network address corresponding to the backup
server since the message reaches the backup server; determining a second network entity to
which a second signaling message is to be transmitted (Figs. 1-3; page 2, lines 5-29; page 4, line
1-page 5, line 5; and page 7, line 14-page 11, line 29); and transmitting the second signaling
message to the second network entity via the network (Figs. 1-3; page 2, lines 5-29; page 4, line
1-page 5, line 5; and page 7, line 14-page 11, line 29).

        Applicant does not admit as prior art modifying a routing attribute in the first signaling
message to obtain the second signaling message, thereby enabling at least one of the first

network entity and the second network entity to route any subsequent signaling messages through the backup proxy server instead of through the primary proxy server. Kumar teaches, in a system for implementing module redundancy, having standby server modules for server modules performing critical functions, having client nodes detect a failure of an active server module, and having client nodes adjust their addressing to a standby module to resume normal operation (col. 2, lines 20-34) in order to have a simplified changeover scheme (col. 3, lines 35-55). Specifically, Kumar discloses that, when clients detect a failure of an active module indicated by the client not receiving an "echo" from an active module, the client adjusts its address table to replace the address of the failed active module with the predetermined address of a standby module (col. 5, lines 12-54). Kumar does not expressly disclose how this predetermined address is obtained; however, Kumar does disclose that the active module determines which standby module will take over for it if a failure occurs (col. 4, lines 44-60). Kumar also discloses that a server module can transmit the address to the clients (col. 5, lines 55-67). Kumar further discloses that a standby server that becomes an active server will select a new standby server (col. 4, lines 45-60). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit a path attribute (predetermined address) to the client modules by the active serving module (backup serving module that has become an active serving module), wherein the path attribute includes at least one network address corresponding to an additional backup server (col. 5, lines 12-67) in order to have a simplified changeover scheme since the active serving module knows the standby server to which communications will be directed upon a failure (col. 4, lines 55-67) and since Kumar discloses that the server modules can transmit the address to the clients (col. 5, lines 12-67).

Applicant's admitted prior art in view of Kumar does not expressly disclose modifying a

routing attribute in the first signaling message to obtain the second signaling message. Kadansky

teaches, in a system for providing backup of a node, modifying a routing attribute in the first

signaling message to obtain the second signaling message in order to ensure quick and smooth

re-affiliations (col. 27, lines 13-34). Thus, it would have been obvious to one of ordinary skill in

the art at the time of the invention to modify a routing attribute in the first signaling message to

obtain the second signaling message, thereby enabling at least one of the first network entity and

the second network entity to route any subsequent signaling messages through the backup proxy

server instead of through the primary proxy server, in order to ensure quick and smooth re-

affiliations.

18.   Regarding claims 14 and 39, Applicant's admitted prior art in view of Kumar in further

view of Kadansky discloses that the network telephony system is an Internet Protocol (IP)

telephony system (Applicant: Figs. 1-3; page 2, lines 5-29; page 4, line 1-page 5, line 5; and page

7, line 14-page 11, line 29).

19.   Regarding claims 15 and 40, Applicant's admitted prior art in view of Kumar in further

view of Kadansky discloses that that the network telephony system is an (Internet Protocol) IP

telephony system in which calls are signaled according to the Session Initiation Protocol (SIP)

signaling protocol, and wherein the first and second signaling messages are SIP messages

(Applicant: Figs. 1-3; page 2, lines 5-29; page 4, line 1-page 5, line 5; and page 7, line 14-page

11, line 29).

20.   Regarding claims 27 and 43, Applicant's admitted prior art in view of Kumar in further

view of Kadansky does not expressly disclose a computer readable medium including

instructions for executing the method of Claim 18 and Claim 38; however, Examiner takes

official notice that instructions for a computer readable medium are well known in the art since

software is more flexible than hardware. It would have.been obvious to one of ordinary skill in

the art at the time of the invention to implement the instructions in a computer readable medium

since software is more flexible than hardware.

21.   Claims 5-7 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's admitted prior art in view of Kumar (USPN 6,473,396) in further view of Kadansky

et al (USPN 6,507,562) as applied to claims 4 and 21, above, and further in view of Lau et al

(USPN 5,774,465).

22.   Regarding claims 5 and 22, Applicant's admitted prior art in view of Kumar in further

view of Kadansky does not expressly disclose that the AltematePath tag is added to a header of

the second signaling message (first signaling message in claim 34). Lau teaches, in a packet

communication system, adding additional routing information to a packet through the use of a

tag attached to the header (col. 2, lines 33-43 and col. 5, lines 10-29) where it is implicit that this

is done in order to provide the additional routing information with the typical routing information

in the header of the packet. Thus, it would have been obvious to one of ordinary skill in the art at

the time of the invention to add the AltematePath tag to a header of the second signaling message

(first signaling message in claim 34) in order to provide the additional routing information with

the typical routing information in the header of the packet.

23.   Regarding claims 6 and 23, Applicant's admitted prior art in view of Kumar in further

view of Kadansky in further view of Lau discloses that the header is selected from the group

consisting of a Contact header, a Record-Route header, a Route header, and a Via header

(Kumar: col. 5, lines 12-67; Kadansky: col. 27, lines 13-34; and Lau: col. 2, lines 33-43 and col.

5, lines 10-29) where the types of headers (i.e. "router header") can be broadly interpreted to

include any header that contains address information.

24.   Regarding claims 7 and 24, Applicant's admitted prior art in view of Kumar in further

view of Kadansky in further view of Lau discloses that the AlternatePath tag is added as an

extension parameter to the header (Lau: col. 2, lines 33-43 and col. 5, lines 10-29).

Conclusion

25.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The

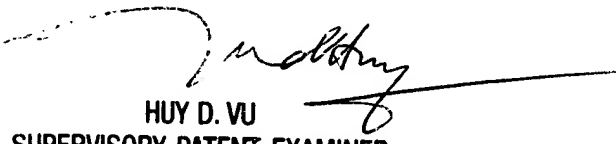examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman
Examiner
Art Unit 2665

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SUPERVISORY PATENT EXAMINER
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